

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	
v.)	Civil Case No. 08-cv-00244 (JDB)
)	
CEPHALON, INC.,)	
)	
Defendant.)	
_____)	

[PROPOSED] ORDER

Having considered Defendant's Motion to Dismiss and Memorandum of Points and Authorities in Support thereof, as well any Opposition thereto, the Court hereby ORDERS that :

Defendants' Motion to Dismiss is GRANTED; and it is

FURTHER ORDERED that Plaintiff's Complaint be DISMISSED WITH PREJUDICE in its entirety. This is a final appealable Order.

SO ORDERED this _____ day of _____, 2008.

John D. Bates
United States District Judge

Copies to:

Attorneys for Defendant

Attorneys for Plaintiff

Eric Mahr (DC Bar # 459350)
Daniel J. Matheson (DC Bar # 502490)
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 663-6000
(202) 663-6363 fax

Of Counsel:

James C. Burling
Peter A. Spaeth (DC Bar # 392239)
Mark A. Ford
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000
(617) 526-5000 fax

David J. Creagan
Michael N. Onufrak
David E. Edwards
WHITE AND WILLIAMS LLP
1800 One Liberty Place
Philadelphia, PA 19103-7395
(215) 864-7000
(215) 864-7123 fax

Markus H. Meier (DC Bar # 459715)
Bradley S. Albert
Philip M. Eisenstat
Saralisa C. Brau
Mark J. Woodward (DC Bar # 479537)
Jeffrey C. Bank
600 Pennsylvania Avenue, NW
Washington, DC 20580
Telephone: (202) 326-3759
Facsimile: (202) 326-3384

08-2141

TYPE-A



U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:08-cv-00244-JDB

08cv2141

FEDERAL TRADE COMMISSION v. CEPHALON, INC.
Assigned to: Judge John D. Bates
Cause: 15:0045 Federal Trade Commission Act

Date Filed: 02/13/2008
Jury Demand: None
Nature of Suit: 410 Anti-Trust
Jurisdiction: U.S. Government Plaintiff

Plaintiff**FEDERAL TRADE COMMISSION**

represented by **Markus Meier**
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, NW
Washington, DC 20850
(202) 326-3759
Email: mmeier@ftc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**CEPHALON, INC.**

represented by **Eric J. Mahr**
WILMER CUTLER PICKERING HALE
AND DORR, LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 616-8267
Email: eric.mahr@wilmerhale.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew J. Ewalt
WILMER CUTLER PICKERING HALE
& DORR
1899 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 663-6000
Email: andrew.ewalt@wilmerhale.com
TERMINATED: 04/11/2008
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/13/2008	<u>1</u>	COMPLAINT against CEPHALON, INC. (Filing fee \$ 0.00) filed by FEDERAL TRADE COMMISSION. (Attachments: #

02/13/2008	<u>1</u>	COMPLAINT against CEPHALON, INC. (Filing fee \$ 0.00) filed by FEDERAL TRADE COMMISSION. (Attachments: # <u>1</u> Civil Cover Sheet)(tg,) (Entered: 02/14/2008)
02/13/2008	<u>2</u>	NOTICE OF RELATED CASE by FEDERAL TRADE COMMISSION. Case related to Case No. 06cv1797 and 06cv2768, both filed in the U.S. District Court for the Eastern District of Pennsylvania. (tg,) (Entered: 02/14/2008)
02/13/2008		Summons (1) Issued as to CEPHALON, INC. (tg,) (Entered: 02/14/2008)
02/19/2008	<u>3</u>	NOTICE of Appearance by Andrew J. Ewalt on behalf of CEPHALON, INC. (Ewalt, Andrew) (Entered: 02/19/2008)
02/19/2008	<u>4</u>	STIPULATION <i>re Schedule</i> by CEPHALON, INC.. (Attachments: # <u>1</u> Proposed Order)(Ewalt, Andrew) (Entered: 02/19/2008)
02/20/2008		MINUTE ORDER approving the parties' joint stipulation <u>4</u> regarding scheduling. Defendant shall answer or otherwise respond to the Complaint no later than May 2, 2008. Should Defendant respond in the form of a motion to dismiss, Plaintiff shall file a response no later than June 2, 2008; Defendant may reply no later than June 20, 2008. Signed by Judge Rosemary M. Collyer on 2/20/08. (KD) (Entered: 02/20/2008)
02/20/2008	<u>5</u>	MOTION to Transfer Case by CEPHALON, INC. (Attachments: # <u>1</u> Affidavit Randall J. Zakreski, Esq., # <u>2</u> Text of Proposed Order)(Ewalt, Andrew) (Entered: 02/20/2008)
02/20/2008		Set/Reset Deadlines/Hearings: Answer to complaint due by 5/2/2008. Plaintiff's Response (if any) due by 6/2/2008. Defendant'd Reply (if any) due by 6/20/2008. (cdw) (Entered: 02/22/2008)
02/26/2008	<u>6</u>	Case Randomly Reassigned to Judge John D. Bates. Judge Rosemary M. Collyer no longer assigned to the case. (jeb,) (Entered: 02/26/2008)
02/28/2008	<u>7</u>	NOTICE (<i>OTHER</i>) by FEDERAL TRADE COMMISSION (Meier, Markus) (Entered: 02/28/2008)
03/06/2008	<u>8</u>	Memorandum in opposition to re <u>5</u> MOTION to Transfer Case filed by FEDERAL TRADE COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Saralisa C. Brau, Esq., # <u>3</u> Declaration of Barry S. Taus, Esq.)(Meier, Markus) (Entered: 03/06/2008)
03/13/2008	<u>9</u>	Corporate Disclosure Statement by CEPHALON, INC.. (Ewalt, Andrew) (Entered: 03/13/2008)
03/13/2008	<u>10</u>	WAIVER OF SERVICE by FEDERAL TRADE COMMISSION. CEPHALON, INC. waiver sent on 2/29/2008, answer due 4/29/2008. (Meier, Markus) (Entered: 03/13/2008)
03/17/2008	<u>11</u>	REPLY to opposition to motion re <u>5</u> MOTION to Transfer Case filed by CEPHALON, INC.. (Ewalt, Andrew) (Entered: 03/17/2008)
04/11/2008	<u>12</u>	NOTICE of Appearance by Eric J. Mahr on behalf of CEPHALON, INC.

		(Mahr, Eric) (Entered: 04/11/2008)
04/11/2008	<u>13</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to CEPHALON, INC.. Attorney Andrew J. Ewalt terminated. (Mahr, Eric) (Entered: 04/11/2008)
04/28/2008	<u>14</u>	ORDER granting 5 Cephalon's motion to transfer this case to the Eastern District of Pennsylvania. See text of the Order for additional details. SO ORDERED. Signed by Judge John D. Bates on 4/28/08. (lcjdb1) (Entered: 04/28/2008)
04/28/2008	<u>15</u>	MEMORANDUM OPINION. Signed by Judge John D. Bates on 4/28/08. (lcjdb1) (Entered: 04/28/2008)
05/02/2008	<u>16</u>	ENTERED IN ERROR.....NOTICE <i>OF FILING</i> by CEPHALON, INC. (Mahr, Eric) Modified on 5/5/2008 (nmw,). (Entered: 05/02/2008)
05/02/2008	<u>17</u>	MOTION to Dismiss by CEPHALON, INC. (Attachments: # <u>1</u> Exhibit Declaration of Eric Mahr and Exhibits, # <u>2</u> Text of Proposed Order) (Mahr, Eric) (Additional attachment(s) added on 5/5/2008: # <u>3</u> Letter to Clerk) (nmw,). (Entered: 05/02/2008)
05/05/2008		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>16</u> Notice (Other) was entered in error (pursuant to Local Rule 5.1(b)) and has been added as an attachment to Docket Entry 17 Motion to Dismiss. (nmw,) (Entered: 05/05/2008)
05/08/2008		Case transferred out to the USDC for the Eastern District of Pennsylvania, pursuant to Court Order entered April 28, 2008. Sent to Court by electronically. (jf,) (Entered: 05/08/2008)

PACER Service Center			
Transaction Receipt			
05/08/2008 13:45:46			
PACER Login:	us4447	Client Code:	
Description:	Docket Report	Search Criteria:	1:08-cv-00244-JDB
Billable Pages:	2	Cost:	0.16